

EX PARTE OR LATE FILED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Advanced Television Systems
and their Impact Upon the
Existing Television
Broadcast Service

)
)
)
)

MM Docket No. 87-268

- Reply Comments
of the
Police Department
City of New York

Police Department

City of New York

Michael Amarosa
Deputy Commissioner for
Technological Development
One Police Plaza - Room 900
New York, NY 10038

No. of Copies rec'd
List ABCDE

048

THE NEW YORK POLICE DEPARTMENT (NYPD)

The NYPD is the largest municipal law enforcement agency in the United States responsible for the protection of life and property in the largest city in the nation. The department has recently received national recognition for one of the greatest reductions in crime in the history of our nation. There are over 32,000 sworn officers, 7,000 civilians and 2,000 traffic agents. The Communications Division handles over 10 million 9-1-1 calls for police, fire and emergency medical services and dispatches over 4.2 million radio runs annually for police services. Wireless communications has a critical role in the department's responsibility for protecting life and property. The NYPD presently has 24,000 portable, 1,000 mobile and 2,500 mobile data radios. The radio system is comprised of 100 channels which include; 68 voice channels, of which 34 are within UHF TV channel 15 (see Attachment A); and 32 data channels. The infrastructure includes 323 base station repeaters, 1,555 satellite receivers, 100 emergency control stations, 68 dispatch positions and a six site digital microwave system. The radio system infrastructure is presently valued at over \$100 million and would cost approximately \$200 million to replace in today's economy.

The NYPD radio system is divided into 35 dispatch zones which typically include two to three precincts. In addition to the dispatch zones, the department has citywide clear and encrypted voice channels to support the various units that require specialized communications. The department also provides and supports interoperability channels for communications with other NYC agencies and adjoining jurisdictions. The radio system is presently undergoing major capital improvements (\$36 million) which upon completion will return the system to a state of good repair. In addition, the New York City Transit Authority is funding a \$130 million project which will provide for radio communications for the NYPD, New York City Fire Department, including its Bureau of Emergency Medical Service, as well as providing for interoperability communications among various other agencies throughout the New York City Transit System.

REPLY COMMENTS

The New York City Police Department is submitting reply comments regarding Docket # 87-268. This proceeding has a serious and far reaching impact on the ability of public safety agencies to accomplish their mission to protect life and property. Although this proceeding specifically addresses the matter related to "Advanced Television Systems and Their Impact upon the Existing Television Broadcast Spectrum", the implementation of Digital Television will have a profound impact on the allocation of future spectrum and more specifically the recommendations of the Public Safety Wireless Advisory Committee (PSWAC). The PSWAC Final Report recommends that "unless immediate measures are taken to alleviate spectrum shortfalls and promote interoperability, Public Safety agencies will not be able to adequately discharge their obligation to protect life and property in a safe, efficient and cost effective manner."

The NYPD has specifically reviewed the comments of the Association of Public Safety Officials International,(APCO. Inc.) and fully supports the comments made by this organization. The following reply comments are provided in support of the various positions of APCO, Inc.:

- The NYPD supports the position that the proposed DTV allocation tables will cause serious interference problems with land mobile users of UHF TV channels 14-20.
- Land mobile users presently licensed in UHF TV channels 14-20 must be afforded the same levels of protection which are currently employed to protect NTSC television. The Commission presently requires licensees on channels 14 and 69 to take precautions to avoid interference to adjacent channel land mobile licensees. The new licensees must attenuate their emissions to allow reasonable use of the spectrum by land mobile users.

- As an agency with jurisdiction in one of the major metropolitan areas, the NYPD supports the APCO position that: "It appears that these allotments were made without any consideration of the actual location of the current land mobile transmitters, which are permitted anywhere within a fifty mile radius of the geographic center of the relevant city. In several instances there is very little distance (and in some cases virtual co-location) between the current transmitter site of a television station with a proposed DTV allotment in channels 14-21 and an existing public safety land mobile base station. If an adjacent channel station were built at or near that site, there would be serious interference both to and from radio systems that protect the safety of life and property. From the standpoint of both the television broadcaster and the Public Safety agency, this requires the Commission to adjust its table and allot other DTV channels in those instances."¹
- Sub-part L of the Commission's regulations provides for protection criteria to protect broadcast television stations in the 470-512 MHz range from interference from land mobile licensees. If the 470-512 MHz band is truly a shared band, land mobile users, particularly public safety users, should be afforded the same protection criteria as television broadcast stations.
- The release of the spectrum as a result of the new DTV allocations will foster new growth in the land mobile radio industry as evidenced by the creation of the SMR, cellular, PCS and other wireless technologies.
- The land mobile industry, in particular Public Safety, has consistently sought new ways to be more spectrally efficient. Through the efforts of organizations such as APCO, Public Safety Land Mobile radio has set standards and voluntarily complied with many of the recommendations of the Commission.

¹ From page 17 of the comments of the Association of Public Safety Communications Officials, Inc

- The NYPD urges the Commission to seriously consider using parameters which are more favorable to the Commission's goal of compressing the amount of spectrum held by the broadcasters into a core spectrum as well as taking into account the needs of Public Safety.
- The NYPD agrees with APCO's comment:

" Nevertheless, the Commission has an obligation in all of its spectrum allocation proceedings to consider the impact of its decisions on the safety of life and property, 47 U.S.C. §151, and Congress has repeatedly reaffirmed that

‘ radio services which are necessary for the safety of life and property deserve more consideration in allocating spectrum than those services which are more in nature of convenience or luxury .’ S. Rep. No. 191, 97th Cong., 2d Sess. 14(1981), reprinted in [1982] U.S. Cong. & Ad. News 2237, 2250.²
- The Commission should be reminded that the broadcasters are not losing any spectrum if the spectrum is compressed into a core area. They should be reminded that previous to DTV technology, this spectrum would have remained fallow as protection for NTSC TV. There will not be a reduction of outlets or markets.
- Public Safety has historically embraced new technology as it becomes available, which has led to more spectrally efficient use of the frequencies, i.e., trunking, mobile data applications, narrow-banding, close-spacing through regional planning, etc. This has all been accomplished within the severe constraints of public funding.

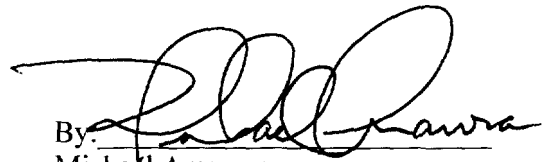
² From page 2 of the comments of the Association of Public Safety Communications Officials, Inc.

- The NYPD encourages the Commission to re-examine the software parameters to allow closer spacing of the DTV channels which will further encourage compressing the core spectrum.
- The NYPD agrees with APCO's position that further sharing of spectrum below 512 MHz be included in the goals of this proceeding.
- The NYPD supports the APCO position that LPTV channels should not be compensated by Public Safety agencies should they be required to vacate. Public Safety agencies cannot legally compensate commercial entities for systems displaced as a result of re-allocation.
- The NYPD agrees with APCO's recommendations "that the Commission should consider allocating to Public Safety those channels from 60-69 which have the fewest LPTV (and full power) stations, and allocate the remainder of the channels to commercial services, who will be generating revenue from their use of the spectrum, and will be in a better position to compensate displaced LPTV licenses."³ This is particularly important in major metropolitan areas where spectrum is at a premium. LPTV should retain its present secondary licensee status as proposed in the Docket.

³From page 14 of the comments of the Association of Public Safety Communications Officials, Inc.

Conclusion

The NYPD has presented reply comments that identify critical Public Safety radio issues for this region. We are urging the Commission to protect Public Safety Land Mobile radio licensees from interference. We are in full support of the DTV Docket's goal and urge the Commission to take this opportunity to improve the broadcaster's use of TV spectrum while supporting the spectrum needs of Public Safety.



By: Michael Amarosa
Deputy Commissioner for
Technological Development
Police Department
City of New York
One Police Plaza Room 900
New York, NY 10038

January 8, 1997